



# Civil Protection Orders

CHAPTER 7.105 RCW

Pursuant to E2SHB 1320, the Washington State Supreme Court Gender and Justice Commission convened stakeholders to make recommendations to the legislature and the courts on a variety of civil protection order issues. These recommendations were developed by that stakeholder group.

This document was last updated in June of 2022.

For the most current version, please see [www.courts.wa.gov/genderjustice](http://www.courts.wa.gov/genderjustice)



# Table of Contents

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|   |    |
|---|----|
| E2SHB 1320 Stakeholder Group's Recommendations to the Courts.....   | 4  |
| <b>Section I</b> - Evidentiary Considerations.....  | 4  |
| <b>Section II</b> - Improving Access for Unrepresented Litigants .....  | 6  |
| <b>Section III</b> - Addressing Motions to Continue when there are Concurrent Civil Protection<br>Order & Criminal Proceedings..... | 8  |
| <b>Section IV</b> - Using Technology to Reduce Administrative Burdens .....   | 8  |
| Glossary of “Tech” Terms.....   | 9  |
| Technology to Reduce Administrative Burdens .....   | 10 |
| Electronic Submissions.....   | 10 |
| Notifications .....   | 11 |
| Remote Hearing Resources & Information .....  | 12 |
| Access to the Record .....  | 12 |
| <b>Section V</b> - Recommendations for Private Vendors .....  | 14 |
| <b>Section VI</b> - Data Collection and Sharing to Promote Research and Transparency .....  | 14 |
| Data Currently Collected .....  | 14 |
| Data Collection Processes.....  | 17 |
| Recommendations Re: Data Collection .....   | 19 |

# E2SHB 1320 Stakeholder Group's Recommendations to the Courts

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In sections 12, 16, and 36 of [E2SHB 1320](#)<sup>1</sup>, the Washington State Legislature directed the [Gender and Justice Commission](#)<sup>2</sup> (GJC), with the support of the [Washington State Women's Commission](#)<sup>3</sup> and in collaboration with other stakeholders, to develop recommendations to the legislature and the courts regarding several matters related to civil protection order proceedings. Those recommendations, as well as additional resources for the court, are presented in this document.

***Warning: If you are seeking a protection order and using this page for resources, please be advised that your internet activity can be monitored.***

## Evidentiary Considerations

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*Each court should make available in plain language, on its website and in its Clerk's Office, its procedures, requirements, and timing for litigants to present evidence in civil protection order proceedings. These requirements should be designed to protect the record and to recognize that, pursuant to ER 1101(c), the rules of evidence "need not" apply.*

### This information should:

- be made available in multiple languages;
- include an explanation of how to request the sealing of certain records or evidence pursuant to [GR 15\(c\)](#)<sup>4</sup>, applicable law, and applicable local requirements;
- include reference to [GR 31\(e\)](#)<sup>5</sup> requiring omission of personal identifiers from certain documents filed with the court;
- include format requirements for paper filings consistent with [GR 14](#)<sup>6</sup>;

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<sup>1</sup> <https://app.leg.wa.gov/billsummary?BillNumber=1320&Year=2021&Initiative=false>

<sup>2</sup> <https://www.courts.wa.gov/index.cfm?fa=home.sub&org=gjc>

<sup>3</sup> <https://wswc.wa.gov/>

<sup>4</sup> [https://www.courts.wa.gov/court\\_rules/pdf/GR/GA\\_GR\\_15\\_00\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/GR/GA_GR_15_00_00.pdf)

<sup>5</sup> [https://www.courts.wa.gov/court\\_rules/pdf/GR/GA\\_GR\\_31\\_00\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/GR/GA_GR_31_00_00.pdf)

<sup>6</sup> [https://www.courts.wa.gov/court\\_rules/pdf/GR/GA\\_GR\\_14\\_00\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/GR/GA_GR_14_00_00.pdf)

- include procedures for electronic filing or submission of evidence consistent with [GR 30](#)<sup>7</sup>;
- address suggested procedure for responsive materials (see e.g. [Snohomish County's Protection Order & Response Packet](#)<sup>8</sup> or [Thurston County's Family Law Motion Filing Information](#)<sup>9</sup>);
- address timing and procedure for presentation of exhibits; and
- address whether there are any required fees for the submission of exhibits, or fees for exhibits that do not comply with the General Rules.

If [GR 22](#)<sup>10</sup> is amended to include civil protection order cases under Chapter 7.105 RCW, each court should provide for and allow the use of a confidential cover sheet for court records to which that rule applies.

Because it may better protect litigants' privacy, courts should consider receiving evidence as exhibits rather than by filing via the Clerk's Office.

Regarding **digital evidence**, including video and audio recordings, each court's requirements or local court rules should particularly address:

- verification of authenticity;
- whether materials will be played in open court and recorded on court technology;
- timing of judicial officer review (in court, before court, etc.);
- challenges to authenticity/allegations of tampering; and
- volume or time limits.

Judicial officers should include a reference to evidentiary procedures and requirements in their opening [script](#)<sup>11</sup> for the civil protection order calendar.

Courts should develop internal training and tools (including tip sheets) regarding evidentiary procedures and requirements for court clerks and administrative staff.

Courts should consider and plan for the sharing of records and materials between superior courts and district courts where jurisdiction might transfer.

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<sup>7</sup> [https://www.courts.wa.gov/court\\_rules/pdf/GR/GA\\_GR\\_30\\_00\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/GR/GA_GR_30_00_00.pdf)

<sup>8</sup> <https://snohomishcountywa.gov/DocumentCenter/View/47777/Response-Packet?bidId=>

<sup>9</sup> [https://www.courts.wa.gov/content/publicUpload/GJCOM/1320\\_PreparingforCourt\\_Thurston.pdf](https://www.courts.wa.gov/content/publicUpload/GJCOM/1320_PreparingforCourt_Thurston.pdf)

<sup>10</sup> [https://www.courts.wa.gov/court\\_rules/pdf/GR/GA\\_GR\\_22\\_00\\_00.pdf](https://www.courts.wa.gov/court_rules/pdf/GR/GA_GR_22_00_00.pdf)

<sup>11</sup> [https://www.courts.wa.gov/content/publicUpload/GJCOM/FINAL\\_Civil\\_Protection\\_Order\\_Script.pdf](https://www.courts.wa.gov/content/publicUpload/GJCOM/FINAL_Civil_Protection_Order_Script.pdf)

## Templates and Additional Resources for Courts

- [Civil Protection Order Script](#)<sup>12</sup>
- [Civil Protection Order Filings and Exhibits: How to Present Your Evidence](#)<sup>13</sup> (for litigants)
- [Evidentiary Template Appendix](#)<sup>14\*</sup> (Motion to Redact/Seal, Order re: Redaction/Sealing, Exhibit List, Cover Sheet for Evidentiary Submissions)
- [Managing Evidence for Virtual Hearings \(2020\)](#)<sup>15</sup>

*\* These templates were developed by the I320 stakeholder group and have not been approved by the Washington State Pattern Forms Committee. They are not intended for use as mandatory forms, but rather as additional resources for the courts and litigants regarding evidentiary issues that may arise in civil protection order cases.*

## Improving Access for Unrepresented Litigants

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Civil protection order proceedings should be guided by the following principles:

- **Consistency:** Standardized processes allow for easier access by litigants. Consider standardized policies and the use of [scripts](#).
- **Transparency:** Recognize that while the court is your work place, it can be anxiety-provoking and overwhelming, particularly for those who do not know what to expect. Setting expectations and the tone early in the proceedings will demystify the process and help proceedings run more smoothly.
- **Trauma-Informed:** Recognize that the litigants appearing before you have personally experienced acts of violence or other traumatic life events. This trauma can be compounded by the court process. What can you and your staff do to decrease potentially negative court experiences? Treat all litigants with dignity, respect, and empathy.
- **Equity & Inclusion:** Make the process accessible and welcoming to all litigants. Recognize that systemic inequities extend into the court system and have adverse and

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<sup>12</sup> [https://www.courts.wa.gov/content/publicUpload/GJCOM/FINAL\\_Civil\\_Protection\\_Order\\_Script.pdf](https://www.courts.wa.gov/content/publicUpload/GJCOM/FINAL_Civil_Protection_Order_Script.pdf)

<sup>13</sup> [https://www.courts.wa.gov/content/publicUpload/GJCOM/I320\\_Presenting\\_Evidence.pdf](https://www.courts.wa.gov/content/publicUpload/GJCOM/I320_Presenting_Evidence.pdf)

<sup>14</sup> [https://www.courts.wa.gov/content/publicUpload/GJCOM/I320\\_Evidentiary\\_Template\\_Appendix.pdf](https://www.courts.wa.gov/content/publicUpload/GJCOM/I320_Evidentiary_Template_Appendix.pdf)

<sup>15</sup> [https://www.ncsc.org/\\_\\_data/assets/pdf\\_file/0019/42814/2020-07-27-Managing-Evidence-for-Virtual-Hearings-002.pdf](https://www.ncsc.org/__data/assets/pdf_file/0019/42814/2020-07-27-Managing-Evidence-for-Virtual-Hearings-002.pdf)

disparate impacts on litigants. Recognize that legal advice is not available to the majority of litigants on protection order calendars.

- **Harm-Reduction:** Protection orders are intended to prevent future and ongoing harm. Fidelity to legislative intent and relief authorized in statute are essential to harm reduction, as are efforts to promote compliance with orders. Allow litigants choice over options where possible, e.g., selecting the type of order they wish to file, whether in person or remote, etc.

## Templates and Additional Resources for Courts

- [Protection Order Script](#)<sup>16</sup>
- [Procedural Justice Bench Card](#)<sup>17</sup> (King County Sexual Assault Resource Center)
- [Pro Se Litigant Bench Card](#)<sup>18</sup> (Developed by Judge Jeffrey Jahns)
- [Legal Resources for Civil Protection Orders in Washington State](#)<sup>19</sup>
- [WashingtonLawHelp](#)<sup>20</sup>
- [Washington Court Forms - Protection Orders](#)<sup>21</sup>
- [Protection Order Response & Declaration Packet](#)<sup>22</sup> (Snohomish County)
- [Preparing for Court: Family Law Motion Filing Information](#)<sup>23</sup> (Thurston County)
- [Washington State Coalition Against Domestic Violence](#)<sup>24</sup> (WSCADV)
- [Washington Coalition of Sexual Assault Programs](#)<sup>25</sup> (WCSAP)
- [Assisting Self-Represented Litigants in Domestic Violence Cases: Recommended Strategies \(2018\)](#)<sup>26</sup>

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<sup>16</sup> [https://www.courts.wa.gov/content/publicUpload/GJCOM/FINAL\\_Civil\\_Protection\\_Order\\_Script.pdf](https://www.courts.wa.gov/content/publicUpload/GJCOM/FINAL_Civil_Protection_Order_Script.pdf)

<sup>17</sup> [https://www.courts.wa.gov/subsite/gjc/documents/Procedural\\_Justice\\_Bench\\_Card\\_-\\_KCSARC.pdf](https://www.courts.wa.gov/subsite/gjc/documents/Procedural_Justice_Bench_Card_-_KCSARC.pdf)

<sup>18</sup> [https://www.courts.wa.gov/content/publicUpload/GJCOM/I320\\_Pro\\_Se\\_Litigant\\_Benchcard.pdf](https://www.courts.wa.gov/content/publicUpload/GJCOM/I320_Pro_Se_Litigant_Benchcard.pdf)

<sup>19</sup> [https://www.courts.wa.gov/content/publicUpload/GJCOM/I320\\_Legal\\_Resources.pdf](https://www.courts.wa.gov/content/publicUpload/GJCOM/I320_Legal_Resources.pdf)

<sup>20</sup> <https://www.washingtonlawhelp.org/>

<sup>21</sup> <https://www.courts.wa.gov/forms/?fa=forms.home&dis=y>

<sup>22</sup> <https://snohomishcountywa.gov/DocumentCenter/View/47777/Response-Packet?bidId=>

<sup>23</sup> [https://www.courts.wa.gov/content/publicUpload/GJCOM/I320\\_PreparingforCourt\\_Thurston.pdf](https://www.courts.wa.gov/content/publicUpload/GJCOM/I320_PreparingforCourt_Thurston.pdf)

<sup>24</sup> <https://wscadv.org/>

<sup>25</sup> <https://www.wcsap.org/>

<sup>26</sup> [https://www.courtinnovation.org/sites/default/files/media/documents/2018-05/guide\\_srl.pdf](https://www.courtinnovation.org/sites/default/files/media/documents/2018-05/guide_srl.pdf)

# Concurrent Civil Protection Order & Criminal Proceedings

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## Recommended Best Practices

Include information about parties' Fifth Amendment rights in your [introductory script](#)<sup>27</sup>. **If a continuance is requested due to the pendency of a criminal case:**

- there is a rebuttable presumption against delay, and
- courts are required to balance the eight *Olympic Pipeline* factors on the record.

## Additional Resources for Courts

- [Bench Card: Concurrent Civil Protection Order & Criminal Proceedings: Addressing Continuance Requests](#)<sup>28</sup>
- [Summary: Law re: Concurrent Civil Protection Order & Criminal Proceedings](#)<sup>29</sup>

## Technology in Civil Protection Order Proceedings

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*Through technology, courts can promote public safety by affording greater access to justice for individuals seeking civil protection orders.*

This technology may include electronic filing services, electronic notifications to the parties, and hearings conducted remotely through a videoconference platform. With the increased use of technology, however, **there are also security and privacy concerns that courts must consider.**

The following are recommendations to the courts regarding the use of technology to reduce administrative burdens, including for e-submissions and notifications, and requirements courts should consider when contracting with third-party vendors who will have access to court users' information.

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<sup>27</sup> [https://www.courts.wa.gov/content/publicUpload/GJCOM/FINAL\\_Civil\\_Protection\\_Order\\_Script.pdf](https://www.courts.wa.gov/content/publicUpload/GJCOM/FINAL_Civil_Protection_Order_Script.pdf)

<sup>28</sup> [https://www.courts.wa.gov/content/publicUpload/GJCOM/I320\\_Addressing\\_Continuance\\_Requests\\_Benchcard.pdf](https://www.courts.wa.gov/content/publicUpload/GJCOM/I320_Addressing_Continuance_Requests_Benchcard.pdf)

<sup>29</sup> [https://www.courts.wa.gov/content/publicUpload/GJCOM/I320\\_Summary\\_Concurrent\\_Civil\\_Criminal\\_Law.pdf](https://www.courts.wa.gov/content/publicUpload/GJCOM/I320_Summary_Concurrent_Civil_Criminal_Law.pdf)



# Glossary of “Tech” Terms

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**Cyber Incident**<sup>30</sup>: Actions taken through the use of an information system or network that result in an actually or potentially adverse effect on an information system, network, and/or the information residing therein.

**Cyber Security**<sup>31</sup>: The practice of protecting critical systems and sensitive information from digital attacks.

**Data Breach**: Definition depends, legal definitions vary from industry definitions. Defined in RCW 42.56.590. May or may not include Ransomware or phishing.

**E-Filing**<sup>32</sup>: The process of electronically filing legal paperwork into the court system.

**E-Submission**: The submission of documents through any electronic medium or process such as email (attachments), e-filing, faxing, share file, SMS (short message service commonly known as texting), or through portals. It is any submission that does not involve the transfer of hard copy documents or files over the counter or via mail. See *E-Submissions* section below for additional information.

**Encryption**<sup>33</sup>: A process that scrambles readable text so that it can only be read by the person who has the secret code, or decryption key. It helps to provide data security for sensitive information.

**Least privilege**<sup>34</sup>: A principle that refers to an information security concept in which a user is given the minimum levels of access – or permissions - needed to perform their job functions.

**Malware**<sup>35</sup>: Short for “malicious software,” this refers to any intrusive software developed to steal data and damage or destroy computers and computer systems. Common examples include viruses, worms, spyware, adware, and ransomware.

**Multi-factor authentication (MFA)**<sup>36</sup>: An authentication system that requires more than one distinct authentication factor for successful authentication.

**Notifications**: Courtesy notice provided by the courts to litigants to allow them to track the progress of their case. See *Notifications* section below for additional information.

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<sup>30</sup> <https://csrc.nist.gov/glossary>

<sup>31</sup> <https://www.ibm.com/topics/cybersecurity>

<sup>32</sup> <https://www.courtffiling.net/efile/>

<sup>33</sup> <https://us.norton.com/internetsecurity-privacy-what-is-encryption.html>

<sup>34</sup> <https://www.cyberark.com/what-is/least-privilege/>

<sup>35</sup> <https://www.cisco.com/c/en/us/products/security/advanced-malware-protection/what-is-malware.html>

<sup>36</sup> <https://csrc.nist.gov/glossary>

**Phishing**<sup>37</sup>: A cybercrime whereby an individual is contacted by email, phone, or text message by someone posing as a legitimate institution to lure that individual to share sensitive data such as personally identifiable information, banking information, and/or passwords.

**Privacy Audit**: An independent review and appraisal of an organization's privacy and data security through processes and supporting documentation, e.g. [SOC 2 Type 2](#).

**Privacy By Design**<sup>38</sup>: An approach to projects that endorses data protection and privacy compliance from the beginning.

**Privacy By Default**<sup>39</sup>: Requires IT operations to configure privacy settings in the strictest mode, without requiring any manual input from the user.

**Ransomware attack**<sup>40</sup>: A form of a malware attack in which the attacker seizes the user's data, folders, or entire device until a 'ransom' fee is paid.

**Third Party Vendor**<sup>41</sup>: Any entity that your organization does business with, including suppliers, manufacturers, service providers, business partners, affiliates, brokers, distributors, resellers, and agents.

**Vulnerabilities**: Internal flaws that often occur over time due to a lack of maintenance

## Technology to Reduce Administrative Burdens

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### Electronic Submissions

Pursuant to [RCW 7.105.105\(1\)\(a\)](#)<sup>42</sup>, by January 1, 2023, all superior courts and, by January 1, 2026, all courts of limited jurisdiction, *must* permit petitions for protection orders and all related filings to be submitted as preferred by the petitioner either:

- in-person;
- remotely through an electronic submission process; or
- by mail.

An **e-submission** refers to the submission of documents through any electronic medium or process such as e-mail (attachments), electronic filing, faxing, share file, SMS (short message

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<sup>37</sup> <https://www.phishing.org/what-is-phishing>

<sup>38</sup> <https://www.privacysense.net/terms/privacy-by-design/>

<sup>39</sup> <https://www.clarip.com/data-privacy/privacy-by-default-the-practical-application-of-simplified-privacy/>

<sup>40</sup> <https://www.toolbox.com/it-security/vulnerability-management/articles/what-is-a-ransomware-attack/>

<sup>41</sup> <https://www.upguard.com/blog/third-party-vendor#:~:text=A%20third-party%20vendor%20is%20any%20entity%20that%20your,%28distributors%20and%20resellers%29%2C%20as%20well%20as%20non-contractual%20entities>

<sup>42</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=7.105.105>

service commonly known as texting), or through portals. It is any submission that does not involve the transfer of hard copy documents or files over the counter or via mail.

## Notifications

Pursuant to [RCW 7.105.105\(1\)\(b\)](#)<sup>43</sup>, by January 1, 2023, superior courts' systems and by January 1, 2026, limited jurisdictions courts' systems *should* allow for the petitioner to electronically track the progress of the petition for a protection order. Notifications may be provided by text message or email, and should provide reminders of court appearances and alert the petitioner when the following occur:

- the petition has been processed and is under review by a judicial officer;
- the order has been signed;
- the order has been transmitted to law enforcement for entry into the Washington crime information center system (WACIC);
- proof of service upon the respondent has been filed with the court or clerk;
- a receipt for the surrender of firearms has been filed with the court or clerk; and
- the respondent has filed a motion for the release of surrendered firearms.

Respondents, once served, should be able to sign up for similar electronic notification.

## Potential Solutions to New Requirements

One way courts might meet the new notifications requirements is through **integration with the statewide automated Washington Victim Information and Notification Everyday (WA VINE)**<sup>44</sup> and **Washington VINE Protective Order (WA VPO)**<sup>45</sup> systems, administered by the [Washington Association of Sheriffs and Police Chiefs \(WASPC\)](#)<sup>46</sup>. Currently, these systems provide notification of service, and may provide notification that the order has been transmitted to law enforcement for entry into WACIC. If this solution is pursued, it will require additional funding to WASPC to support the development and maintenance of additional interfaces and notification scripts.

Another potential solution is the creation of a statewide **protection order portal**. For example, Arizona's courts are not unified, but they have implemented a single statewide

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<sup>43</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=7.105.105>

<sup>44</sup> <https://www.waspc.org/victim-information-notification-vine->

<sup>45</sup> <https://www.waspc.org/vine-protective-order-vpo->

<sup>46</sup> <https://www.waspc.org/>

protection order portal system called [AZPOINT](https://azpoint.azcourts.gov/)<sup>47</sup>. That system allows petitioners to fill out forms electronically via a guided interview process; centralizes protection order data management; and provides electronic notifications regarding service to petitioners, courts, and service agencies (e.g. law enforcement). AZPOINT and other states' systems are further discussed in this article: [\*Protection Order Repositories, Web Portals, and Beyond\*](#)<sup>48</sup> (2020).

Ongoing exploration is needed. A group of stakeholders plans to continue working this issue.

## Remote Hearing Resources & Information

**Access to justice is a fundamental right for all.** Consistent with [Chapter 7.105 RCW](#)<sup>49</sup>, courts/clerks have endeavored to provide multiple options for accessing the court, including in-person services, filing by mail, and electronic submission of court documents. Remote hearings are an additional option for accessing the court.

## Additional Resources for Courts

- [\*Court Recovery Task Force - Technology Committee Guiding Principles\*](#)<sup>50</sup>
- [\*Access to Justice Technology Principles \(2020\)\*](#)<sup>51</sup>
- [\*The Use of Remote Hearings in Texas State Courts: The Impact on Judicial Workload \(NCSC, 2021\)\*](#)<sup>52</sup>
- Provide information and tips to court users, e.g. [\*Remote Hearing FAQ\*](#)<sup>53</sup>

## Access to the Record

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To prevent the issuance of conflicting protection orders, and to ensure that judicial officers have the information necessary to decide the case before them, judicial officers must be able to see protection orders issued by other jurisdictions.

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<sup>47</sup> <https://azpoint.azcourts.gov/>

<sup>48</sup> <https://ncsc.contentdm.oclc.org/digital/collection/tech/id/947>

<sup>49</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=7.105>

<sup>50</sup> [https://www.courts.wa.gov/programs\\_orgs/pos\\_bja/Technology Committee 2021 04 Final Guiding Principles.pdf](https://www.courts.wa.gov/programs_orgs/pos_bja/Technology%20Committee%202021%2004%20Final%20Guiding%20Principles.pdf)

<sup>51</sup> [https://www.courts.wa.gov/court\\_rules/pdf/AM/AM\\_ATJ\\_ATJTechnologyPrinciples.pdf](https://www.courts.wa.gov/court_rules/pdf/AM/AM_ATJ_ATJTechnologyPrinciples.pdf)

<sup>52</sup> [https://www.ncsc.org/\\_media/\\_imported-ncsc/files/pdf/newsroom/TX-Remote-Hearing-Assessment-Report.pdf](https://www.ncsc.org/_media/_imported-ncsc/files/pdf/newsroom/TX-Remote-Hearing-Assessment-Report.pdf)

<sup>53</sup> [https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/258fbcee-6f9e-4254-9f00-54bfa3dfb3cd/Remote\\_Hearing\\_FAQ\\_for\\_SRLs.pdf](https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/258fbcee-6f9e-4254-9f00-54bfa3dfb3cd/Remote_Hearing_FAQ_for_SRLs.pdf)

## Access to State Court Protection Orders

Pursuant to [RCW 7.105.555](#)<sup>54</sup>, as amended by SHB 1901 Sec. 25, the judicial information system (JIS) or alternative databases must be available in all superior courts and courts of limited jurisdiction to prevent the issuance of conflicting protection orders. Pursuant to [RCW 7.105.105\(a\)](#)<sup>55</sup>, “[t]he court or clerk must make available to judicial officers any protection orders filed within the state.” This means that courts must have a document viewing system that will provide access to full documents in addition to summary information.

This stakeholder group has researched several possible ways to meet this new requirement, including through integration with the Digital Archives, Judges Link, Clerk Share, JABs, or JIS and the possibility of creating a separate centralized portal as a repository for statewide protection orders.

## Access to Foreign Protection Orders

[RCW 7.105.555](#), as amended by SHB 1901 Sec. 25, also requires that protection orders provided by military and tribal courts be made available in each district, municipal, and superior court. The Research & Information Sharing Group, a subcommittee of the larger 1320 Stakeholder Group, was asked to consider and submit recommendations to the Legislature by December 1, 2021, regarding how foreign protection orders from tribal court, military court, or other states’ courts, could be viewed by Washington State Judicial Officers. In its [report](#), the group outlined two potential solutions to this issue, both requiring additional time to investigate the viability and cost:

- Development, by the Administrative Office of the Courts (AOC), of a **new application/user interface** to allow tribal courts to enter tribal protection orders directly into the Washington State judicial database (JIS), or a link in JABS allowing state courts permission to access tribal and military court databases to view only their protection order data or documents.
- Access for Washington State Courts **to the National Crime Information Center (NCIC) databases**. The optimal solution would be for JIS and NCIC to be connected and “talk to each other” through AOC’s technical efforts; however, the feasibility of this option is uncertain and additional follow-up with the Washington State Patrol is needed.

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<sup>54</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=7.105.555>

<sup>55</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=7.105.105>

## Proposed Solutions to New Access Requirements

A dedicated research team, led by AOC, is studying these issues and options. The team plans to collaborate with tribal and military courts to establish an information-sharing process. Please see its [\*Technology Analysis and Recommendations for Implementation\*](#)<sup>56</sup>.

## Vendor Requirements

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There are many private vendors providing electronic filing systems and services. Clerks will need to research and analyze which private vendor system can integrate best with their local document management systems and court electronic systems.

This list of [\*generic vendor requirements\*](#)<sup>57</sup> is provided to assist clerks in determining what to look for when researching or contracting with potential private vendors who provide services related to filing systems for protection orders.

## Data Collection and Research

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*Improving court system data collection will help provide an empirically-based understanding of how well the civil protection order system is meeting the needs of the people it is intended to serve.*

The current lack of easily accessible, comprehensive, and consistent statewide data impedes opportunities for continuous improvement and evaluation aimed at understanding for whom the system is working well, where there are unmet needs and disparities, and proposing innovative systems reform.

## Data Currently Collected

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Data regarding civil protection orders is currently collected for limited administrative purposes. The Administrative Office of the Court's (AOC) data repository has information about parties to protection order proceedings including common identifiers such as name, date of birth, race, and ethnicity, that are tracked on a statewide level.

Protection order-specific data that is collected includes the date the order was filed; the decision date and time; the order type; the judicial officer code; the order expiration date; the protected/restrained individuals; the order termination date; whether the case involves

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<sup>56</sup> [https://www.courts.wa.gov/content/publicUpload/GJCOM/I320\\_AOC\\_Report\\_AccesstotheRecord.pdf](https://www.courts.wa.gov/content/publicUpload/GJCOM/I320_AOC_Report_AccesstotheRecord.pdf)

<sup>57</sup> [https://www.courts.wa.gov/content/publicUpload/GJCOM/I320\\_Vendor\\_Requirements.pdf](https://www.courts.wa.gov/content/publicUpload/GJCOM/I320_Vendor_Requirements.pdf)

domestic violence; whether the case was transferred from district to superior court; whether the order was granted or denied; and if denied, the reason for denial.

## Coding Limitations and Data Collection

The use of case management systems as the primary means for data entry limits data collection for the purpose of analysis/evaluation. Because these systems primarily serve to track individual case information, they rely on a series of standardized codes that allow for tracking across systems and jurisdictions.

### **Current coding makes the following data available:**

- number of protection orders filed;
- whether a return of service was filed;
- number of hearings;
- number of cases where an attorney was present;
- whether an order was granted;
- number of cases transferred from district court to superior court;
- number of continuances;
- number of "foreign" orders;
- whether an order to surrender weapons was entered and whether there is a declaration of non-surrender or proof of surrender and receipt filed; and
- whether minor children are listed as protected parties.

### **The following related data is not available:**

- method of filing;
- method of service, what document(s) were served, and length of time to complete service;
- whether hearings were in-person, remote, or hybrid;
- which party the attorney represented (not available for courts of limited jurisdiction);
- specific relief granted;
- reason for transfer from district court to superior court;
- reasons for continuances;

- differentiation between tribal, military, or out of state orders;
- codes for compliance hearings (e.g. not in compliance, in contempt) are limited to extreme risk protection orders and criminal protection orders; and
- whether a request to include minor children as protected parties was denied.

## Adding Codes

Precise and consistent codes are needed for any additional data to be tracked. The addition of codes or indicators also requires adaptations to pattern forms and to work processes by the line staff who enter data into these systems. See e.g. [Letter & memo re: Tracking Coercive Control](#)<sup>58</sup>.

## Guiding Principles for Data Collection Priorities

In order to hone data collection priorities, the stakeholder group was guided by the principles of **Equity, Access to Justice, Harm Reduction, and Judicial Economy**. The stakeholder group recognized significant overlap of data collection priorities to further research and evaluation related to each of these goals. It also prioritized categories of data that will help us measure the effects of E2SHB 1320.

For example, E2SHB 1320 codifies a preference for electronic service in most cases, and it requires courts to facilitate remote hearings. Knowing how service was accomplished or whether the parties appeared remotely will help us assess the efficacy of these new provisions. The ability to track the reasons for continuances will help us identify specific barriers litigants face.

## Visualizing Data Collection Priorities

The stakeholder group conceived of data collection priorities as concentric circles, building out from what information can currently be collected by the courts to our ideal for what data should be collected. The feasibility of collecting data in the second ring and outer ring of the concentric circles will require future evaluation with stakeholders.

In **Figure 1**, the concentric circles below:

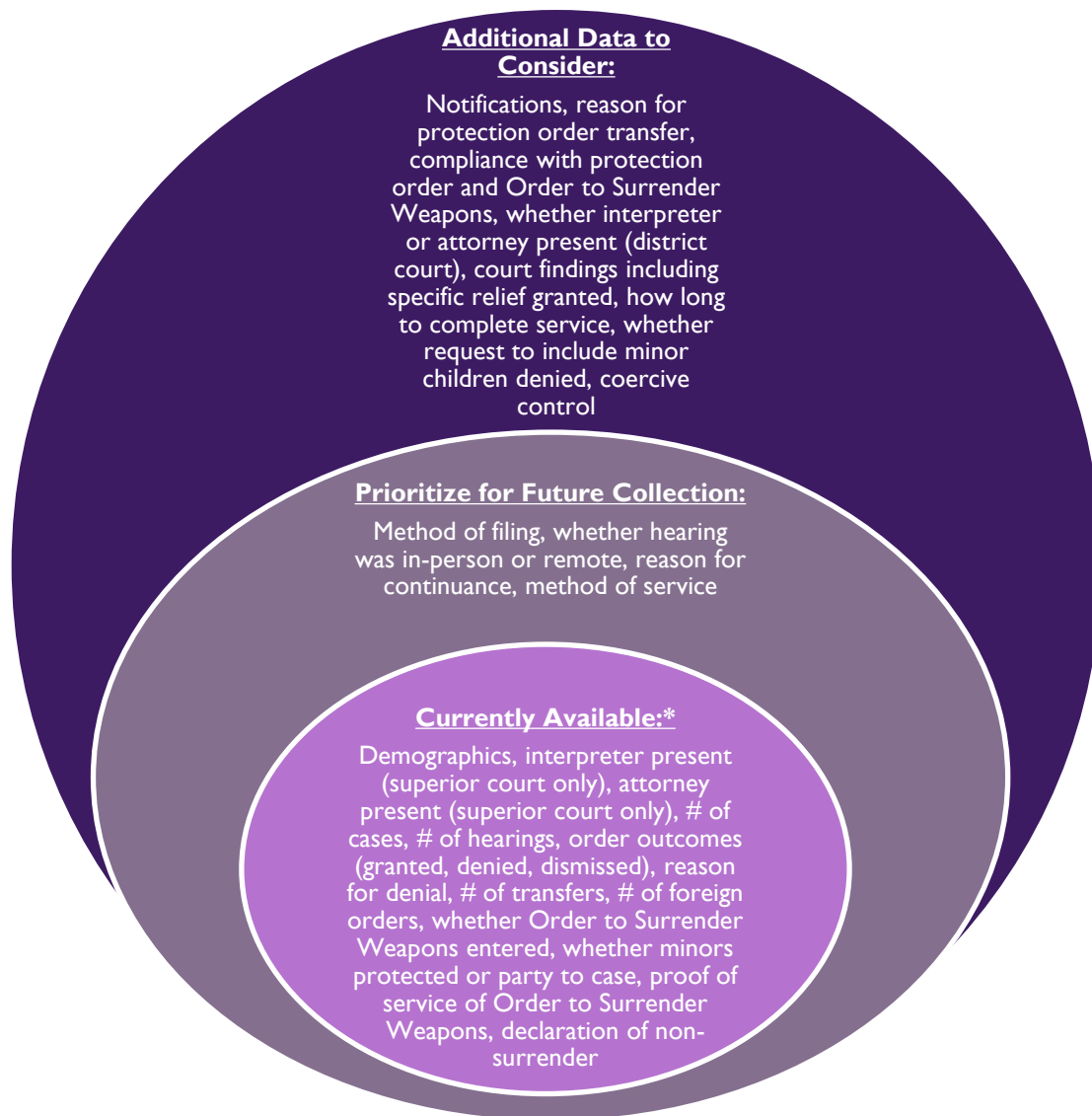
- the **inside ring** depicts data that is currently available to be entered into each courts' case management system;

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<sup>58</sup> [https://www.courts.wa.gov/content/publicUpload/GJCOM/1320\\_Letter&Memo\\_re\\_SHB\\_1901.pdf](https://www.courts.wa.gov/content/publicUpload/GJCOM/1320_Letter&Memo_re_SHB_1901.pdf)



- the **second ring** depicts data that the stakeholder group determined should be prioritized for future collection; and
- the **outer ring** depicts additional information that should be considered for future collection.



\* Whether data is available depends on court staff entering the data into a case management system or sending the data to the electronic data repository.

## Data Collection Processes

In addition to *what kind of data is collected*, the stakeholder group was also interested in data collection processes, including *how consistently* data is collected across the state. Even if there are existing mechanisms for tracking certain information in case management systems, whether

that data is ultimately available is dependent on whether it is entered or sent to the electronic data repository.

## Consistency in Data Collection

Through analysis of data available at the AOC, the group learned that between 2019-2021, all superior courts and approximately 53% of district courts entered protection order data into a data management system that can be accessed by AOC. The stakeholder group was unable to determine whether these courts are entering all protection order data into these systems consistently.

To further understand work processes and data collection practices, the stakeholder group surveyed superior and district court judges, clerks, administrators, and other court staff regarding data collection and work processes. We received 242 complete survey responses, with all but two counties (Garfield & Skamania) represented. The highest representation was from King (n = 24; 10%), Spokane (n = 21; 9%), and Clark (n = 16; 7%) counties. We also looked at survey responses by size of county: Large (>1 million), medium (100,000 to 999,999), small (<100,000), and very small (<10,000).

## Emerging Themes from Survey Responses

Survey responders reported a **lack of training regarding civil protection orders** as one of the main challenges to collecting, tracking, and reporting information.

- Judicial officers reported higher levels of external training than clerks and administrators and were also more likely to obtain instructions from statutes.
- Clerks and administrators were more likely to rely on informal verbal or written instruction from other court staff and had very little external training.
- Narrative responses also identified a potential need for coordination and training with other stakeholders, including law enforcement and advocates, as well as a desire to learn from best practices from other jurisdictions.

Information about **whether domestic violence cases involve intimate partner violence versus other family/household violence** is often known to judicial officers and/or court staff, but is not routinely tracked in a case management system.

- Two-thirds (2/3) to three-quarters (3/4) of survey respondents indicated that they always or usually receive sufficient information about the parties named in the petition to identify their relationship or association.
- This information is often not entered into the case management system (CMS). Among very small counties, two-thirds (2/3) of respondents indicated that the relationship was

tracked in the CMS. The proportion of survey respondents who indicated that the relationship was tracked went down as the size of the counties increased, with only 15% in large counties indicating that this information is entered.

- Note: Person Business Rule (PBR) 11.10 directs courts to “record the family/household relationship between all parties who are case litigants or order participants” in civil domestic violence, foreign protection order, unlawful harassment, or vulnerable adult protection order cases.

Statewide, **many different data management systems** (both internal to the court and through the Administrative Office of the Courts) are used by courts to track civil protection order information. A number of survey respondents reported that they had to engage in **duplicate data entry**.

**Challenges with staffing protection order cases** was identified as a barrier by 61% of survey responders in an administrative role. Specific challenges mentioned in the narrative responses across position type include the number of unrepresented parties and the need for assistance from court staff to complete paperwork and explain the process, as well as a lack of information provided by litigants, particularly on the Law Enforcement Information Sheet (LEIS) that is a mechanism for providing service information to law enforcement and the data added to law enforcement systems.

Qualitatively, survey respondents indicated that **additional resources are needed to help litigants provide required protection order information**, including a safe place to fill out the paperwork, definitions and plain language instructions, information about which court [district or superior] to file in, and what information will be necessary to complete the petition and other paperwork, including information needed to serve the other party.

See [here](#)<sup>59</sup> for a complete summary of the survey results.

## Recommendations Re: Data Collection

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### Existing Data Fields and Work Processes

Courts should ensure that information is consistently entered into existing data fields, such as the relationship between the parties to a protection order case. This may entail any or all of the following: legislative mandates; court rule changes; court education; and changes in the data collection applications, such as not allowing a user to continue without completing a field.

A qualitative assessment of record keeping and data entry in civil protection order cases statewide should be conducted to provide a better understanding of how consistently data

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<sup>59</sup> [https://www.courts.wa.gov/content/publicUpload/GJCOM/1320\\_RIS\\_Survey\\_Summary.pdf](https://www.courts.wa.gov/content/publicUpload/GJCOM/1320_RIS_Survey_Summary.pdf)

fields that are currently available within existing codes are tracked across jurisdictions. This could inform future studies and the development of trainings and other resources (e.g. guidelines, codebooks).

The creation of a statewide protection order dashboard could also be a useful tool for the courts and the public to better understand and interact with data that is currently collected. There are models for this, e.g. Washington's Dependency Dashboard, the Juvenile Justice Dashboard, or the King County Prosecuting Attorney's Data Dashboard.

## New Data Field Priorities

The following data fields are not currently available within existing codes and should be prioritized for collection, in order to promote greater equity, harm reduction, access to justice, and judicial economy, and to evaluate efficacy of the new requirements of Chapter 7.105 RCW:

- method of filing (e-submission or in-person);
- hearing forum (in-person, remote, or hybrid);
- reason for continuance (e.g. service issue, time to consult attorney, time to review evidence, concurrent criminal proceeding, etc.); and
- method of service.

## Other Considerations

**Additional funding** is needed to support these recommendations, including enhanced court staffing, the addition of new data fields by the Administrative Office of the Courts, and ongoing training and resources for court staff regarding coding fidelity and consistency.

When determining what data to share, public accountability and individuals' right to privacy must be balanced. Courts should **establish protocols for sharing data with outside organizations or private vendors**. See e.g., [Vendor Requirements](https://www.courts.wa.gov/content/publicUpload/GJCOM/I320_Vendor_Requirements.pdf)<sup>60</sup>

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<sup>60</sup> [https://www.courts.wa.gov/content/publicUpload/GJCOM/I320\\_Vendor\\_Requirements.pdf](https://www.courts.wa.gov/content/publicUpload/GJCOM/I320_Vendor_Requirements.pdf)